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C O N F I D E N T I A L SECTION 01 OF 02 KHARTOUM 000014

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NSC FOR PITTMAN AND HUDSON
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SUBJECT: DUP DEPUTY CHAIRMAN FEARS ICC CHAOS

Classified By: CDA Alberto M. Fernandez, for reasons 1.4 (b) and (d).

¶1. (C) Summary: Democratic Unionist Party (DUP) Deputy Chairman and vocal ICC supporter Ali Mahmoud Hassanein told CDA Fernandez on January 5 that he feared Sudan would plunge into chaos upon the issuance of an arrest warrant against President Bashir. Hassanein described his December 29 detention at the hands of NISS for statements he made in support of the ICC, and expressed fear for his life as a result. He claimed that in preparation for the ICC arrest warrant against Bashir, the NCP during the past ten days has distributed arms to the "Al-Amn al-Sha'abi" ("popular security" forces or party militia) controlled by Minister of Finance Awad Al Jaz. He expressed fear that these groups would carry out targeted attacks on behalf of the government, which the government would attempt to pass off as reflecting the righteous anger of the people. He noted that he was considering traveling to Cairo until the situation stabilizes following the ICC announcement, expected in late January. End Summary.

¶2. (C) On January 5, CDA Fernandez met DUP Deputy Chairman Ali Mahmoud Hassanein at the latter's residence in Omdurman. Hassanein, a lawyer by profession, is well-known in Sudan for his vocal support of the ICC on international legal grounds; he asserts that Sudan must cooperate with the ICC because it is bound unconditionally by its signing of the 2006 Darfur Peace Agreement to accept all UN Security Council agreements (in his view at least.) He noted that the DPA was approved unanimously by Sudan's National Assembly and that document's preamble asserts that Sudan will abide by all UNSC resolutions on Darfur (which would include the 2005 UNSCR 1593 authorizing the ICC to look into Darfur human rights violations). Hassanein has been vocal in his support not only in Sudan, but also during speaking tours in Paris and London, where he has met with government officials. He stated that unbeknownst to him, his trip to Paris in October 2008 coincided with the visit of senior NCP officials Ali Osman Taha, Nafie Ali Nafie and Salah Ghosh. After French officials informed the trio that they would not support a postponement of the indictment of President Bashir, Hassanein said he believes that these senior GOS officials told President Bashir that "Ali Mahmoud (Hassanein) spoiled our visit." The President allegedly remarked that "Hassanein is chasing me inside and outside Sudan." Following his trip to Europe, Hassanein stated that he traveled to Egypt for meetings and left for Hajj immediately after returning to Sudan, for fear of reprisal.

¶3. (C) Hassanein did not have to wait long. He stated that on December 29, a NISS officer accompanied by five soldiers confronted him and escorted him to a NISS facility in the Khartoum suburb of Bahri. There he was told that he had been arrested at the instruction of President Bashir and NISS head

Salah Ghosh. He was subsequently questioned repeatedly about his position on the ICC. Hassanein stated that he refused to back down from his support of the institution. "I asserted that Bashir must resign the very day he is indicted, otherwise it will plunge the nation into chaos," he said, recalling President George W. Bush's ultimatum to Saddam Hussein and his sons to leave the country within 48 hours. "Let us not repeat the mistakes of Saddam." After approximately ten hours in detention, he was escorted to NISS headquarters in Khartoum. There, Hassanein said that NISS Deputy Mohammed Atta lambasted him with a hostile rant, shouting that "we came to power by the way of the gun, we rule by the gun" and "we'll kill you if you stand in the way of Bashir." When asked by Atta for his reaction, Hassanein stated that he simply acknowledged that he heard what was said to him and had nothing more to say. On his way out, he was warned ominously that this was "the last time" he would be summoned by NISS.

¶4. (C) During our meeting with him, Hassanein expressed great concern as to how the NCP would react upon the issuance of the ICC arrest warrant. He stated that he had heard rumors that over the past ten days, the NCP has distributed arms to "Al-Amn Al-Shabi"--"popular security" forces--in every neighborhood. "These are organs of the state, but not officially," he said. "They will try to deceive the world by saying that it's the righteous anger of the people that cannot be controlled." When asked by CDA Fernandez who commanded the popular defense forces, Hassanein responded that Salah Ghosh was no doubt involved but that the "real boss" was powerful Minister of Finance Awad Al Jaz. "I have information they will attack, but I don't know the details,"

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he said. Hassanein expressed fear for his life, noting that "I'm targeted because I speak my mind." He stated that some members of his party have urged him to travel to Cairo when the arrest warrant is announced, and the CDA agreed this is an option that he should seriously consider. Hassanein added that the current uproar on Gaza was "a gift for Bashir" and could conflate with the ICC arrest issue, making the social explosion in Sudan greater.

¶5. (C) Hassanein said there are currently three factions within the NCP senior leadership vying for control of the country. The first group is led by a weakened President Bashir, whom Hassanein chastised for conduct unbecoming a statesman, recalling Bashir's proclamation that western powers were "underneath his shoes." A second group is led by Ali Osman Taha, who Hassanein characterized as evil and duplicitous. "Bashir is arrogant, but Taha is worse, a mean and wicked man who will tell the west whatever he thinks it wants to hear," he remarked. "If given the choice between Bashir and Taha, the people would choose Bashir." A third group is led by the state security apparatus, including Salah Ghosh and Nafie Ali Nafie. Hassanein observed that "now Nafie and Ghosh are in charge" of the country and also noted that Nafie and Taha were not getting along. Still a fourth group made up of senior SAF officers and unhappy with Bashir or Taha, lurks in the wings.

¶6. (C) Comment: While regime insiders insist that the NCP will carry on with a "business as usual" response to issuance of an ICC arrest warrant for President Bashir, the prospect of party militia carrying out targeted violence (or being called upon to defend the regime from JEM or other rebels who will very possibly be spurred on by the ICC announcement) cannot be entirely discounted, at least in the long run. Combined with outrage over the turmoil in Gaza and the difficult economic situation, there is also the possibility that violence could spiral out of control. All evidence points to a regime preparing for either escalation or conciliation, a decision it will try to make coldly and deliberatively, if the circumstances allow.

FERNANDEZ